

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

**U.S. DISTRICT COURT
PORTLAND, MAINE
RECEIVED AND FILED**

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ANN BURNHAM,

Plaintiff,

v.

VITAL RECOVERY SERVICES, INC.,

VITAL SOLUTIONS, INC.,

Defendants.

Civil Action No. _____

DEPUTY CLERK

COMPLAINT

1. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. ("FDCPA") and Maine FDCPA (Sections 11001 et seq. of the Maine Professions And Occupations Code).

JURISDICTION AND VENUE

2. This Court exercises jurisdiction under 15 U.S.C. 1692k, 28 U.S.C. 1331, and 28 U.S.C. 1367. This District is of proper venue as Plaintiff is a resident within this District and Defendants engaged in collection efforts against Plaintiff while Plaintiff so resided.

PARTIES

3. Plaintiff, ANN BURNHAM, is a natural person residing in Sagadahoc County, Maine. Defendant, VITAL RECOVERY SERVICES, INC., is a corporation believed to maintain its principle place of business in Norcross, Georgia. Defendant, VITAL SOLUTIONS, INC., is a corporation believed to maintain its principle place of business in Norcross, Georgia.

4. Defendants regularly operate as third-party debt collectors and are "debt collectors" as defined by 15 U.S.C. 1692a.

FACTUAL ALLEGATIONS

5. In 2009 Defendants began contacting Plaintiff Ann Burnham by telephone in an attempt to collect an alleged debt owed on a personal auto loan.

6. Defendants continued to call daily, often 2-3 times per day, through January 15, 2010.

7. Plaintiff, harassed and unable to terminate the calls, retained attorney Robert Amador for relief.

8. Plaintiff's attorney, Robert Amador, contacted Defendants. Defendants acknowledged calling Plaintiff "just about daily" and expressed their suspicion that Plaintiff was occasionally connecting and immediately hanging up calls (to stop the phone from ringing).

9. As a direct result of Defendant's activity as alleged herein, Plaintiff has incurred \$1,855.00 in legal fees.

CAUSES OF ACTION

COUNT I

16. Plaintiff re-alleges paragraphs 1 through 9, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated 15 U.S.C. 1692d with regards to Plaintiff as follows: Defendants engaged in continuous telephone calls, the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.

COUNT II

17. Plaintiff re-alleges paragraphs 1 through 9, inclusive, and by this reference incorporate the same as though fully set forth herein. Plaintiff is informed and believes and herein alleges that Defendants violated Maine Professions and Occupations Code section 11013 as follows: Defendants engaged in continuous telephone calls, the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, recovery for each cause of action not necessarily cumulative to each other, as follows:

COUNT I

- 1.) For statutory damages in the amount of \$1,000 pursuant to 15 U.S.C. 1692k(2);
- 2.) For actual damages of \$1,855.00 for legal costs in responding to unlawful collection activity;
- 3.) For prejudgment interest in an amount to be proved at time of trial;
- 4.) For attorney's fees pursuant to 15 U.S.C. 1692(k);
- 5.) For the costs of this lawsuit; and
- 6.) For any other and further relief that the court considers proper.

COUNT II

- 1.) For statutory damages in the amount of \$1,000.00 pursuant to Maine Professions and Occupations Code § 11054(1)(B);
- 2.) For actual damages of \$1,855.00 for legal costs in responding to unlawful collection activity pursuant to Maine Professions and Occupations Code § 11054(1)(A);
- 3.) For prejudgment interest in an amount to be proved at time of trial;
- 4.) For attorney's fees pursuant to Maine Professions and Occupations Code § 11054(1)(D);
- 5.) For the costs of this lawsuit; and
- 6.) For any other and further relief that the court considers proper.

Date: January 2, 2012



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